

EXHIBIT 10

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL;)
DIANA MILENA REED, AN)
INDIVIDUAL; AND COASTAL)
PROTECTION RANGERS, INC.,)
A CALIFORNIA NON-PROFIT PUBLIC)
BENEFIT CORPORATION,)

Plaintiffs,)

vs.)

No.: 2:16-cv-02129-SJO
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
INCLUDING BUT NOT LIMITED TO)
SANG LEE, BRANT BLAKEMAN, ALAN)
JOHNSTON AKA JALIAN JOHNSTON,)
MICHAEL RAE PAPAYANS, ANGELO)
FERRARA, FRANK FERRARA,)
CHARLIE FERRARA, ET AL.,)

Defendants.)

- - - - -)

VIDEOTAPED DEPOSITION OF

N.F.

IRVINE, CALIFORNIA

JULY 6, 2017

Atkinson-Baker, Inc.
Court Reporters
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REPORTED BY: ANGELIQUE MELODY FERRIO, CSR NO. 6979

FILE NO: AB06A32

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CHARLIE FERRARA, ET AL.,)

Defendants.)

- - - - -)

Videotaped deposition of N.F., taken on
behalf of the Plaintiffs, at Premier Business Center,
2600 Michelson Drive, Suite 1700, Irvine, California,
92612, commencing at 9:53 a.m., Thursday, July 6, 2017,
before ANGELIQUE MELODY FERRIO, CSR No. 6979.

A P P E A R A N C E S

FOR THE PLAINTIFFS:

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20 ALSO PRESENT:

21 Joseph Aldo Bussino, Videographer
22
23
24
25

1 I N D E X

2

3 WITNESS: N.F.

4

5 EXAMINATION:

PAGE

6

By MS. WOLFF

9

7

8

9 EXHIBITS

10

NUMBER PLAINTIFF'S
DESCRIPTION

PAGE

11

265 Plaintiffs' Notice of Deposition 14
of Defendant N.F.
Dated June 15, 2017
Consisting of six pages

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16

QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

17

PAGE LINE

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13 10

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INFORMATION TO BE SUPPLIED:

21

PAGE LINE

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(NONE)

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1 IRVINE, CALIFORNIA, THURSDAY, JULY 6, 2017

2 9:53 A.M.

3 -000-

4 09:52:46

5 THE VIDEOGRAPHER: Good morning. My name is 09:53:05

6 Joseph Aldo Bussino, your videographer. And I 09:53:07

7 represent Atkinson-Baker, Incorporated in Glendale, 09:53:11

8 California. 09:53:13

9 I'm a Certified Legal Video Specialist and 09:53:14

10 Notary Public. I'm not financially interested in 09:53:16

11 this action nor am I a relative or an employee of any 09:53:19

12 of the attorneys or any of the parties. 09:53:23

13 Today's date is July 6th, 2017. And the time 09:53:25

14 on the video monitor is approximately 9:53 a.m. 09:53:31

15 The deposition is taking place at the 09:53:36

16 Premiere Business Center, 2600 Michelson Drive, 09:53:38

17 Suite 1700, Irvine, California, 92612. 09:53:43

18 The case number is 2:16-cv-02129-SJO (RAOx) 09:53:48

19 entitled Corey Spencer, et al., versus Lunada Bay 09:54:01

20 Boys, et al. The deponent is N.F. 09:54:06

21 The deposition is taken on behalf of 09:54:11

22 Plaintiffs' counsel. And your court reporter this 09:54:13

23 morning is Angelique Ferrio, also representing 09:54:16

24 Atkinson-Baker, Incorporated. 09:54:19

25 Would all counsel present in the room please 09:54:22

1	introduce yourselves for the record and state whom	09:54:25
2	you represent.	09:54:27
3	MS. WOLFF: Good morning, Samantha Wolff from	09:54:28
4	Hanson Bridgett representing the Plaintiffs.	09:54:31
5	MS. SERRATO: Courtney Serrato representing	09:54:33
6	Defendants Charlie Ferrara and Frank Ferrara.	09:54:35
7	MR. WARD: Edward Ward, Junior, on behalf of	09:54:37
8	Sang Lee.	09:54:40
9	MS. HEWITT: Antoinette Hewitt for the City	09:54:41
10	and for Chief Kepley.	09:54:43
11	MR. CAREY: Pat Carey for Alan Johnston.	09:54:44
12	MR. FIELDS: Mark Fields for Angela Ferrera	09:54:48
13	and N.F.	09:54:51
14	THE VIDEOGRAPHER: Would counsel on the phone	09:54:52
15	please identify yourselves for the record.	09:54:54
16	MR. COOPER: Robert Cooper on behalf of	09:54:58
17	Defendant Brant Blakeman.	09:55:00
18	MR. MORRIS: Jeff Morris also on behalf of	09:55:02
19	Brant Blakeman.	09:55:06
20	MS. VU: Jackie Vu on behalf of Sang Lee.	09:55:08
21	THE VIDEOGRAPHER: Would the court reporter	09:55:12
22	please swear in the witness.	09:55:13
23	N.F.,	09:55:13
24	having first been duly sworn, was	09:55:13
25	examined and testified as follows:	09:55:13

1	EXAMINATION	09:55:13
2		09:55:25
3	BY MS. WOLFF:	09:55:25
4	Q. Good morning. Are you represented today by	09:55:31
5	counsel?	09:55:34
6	A. Yes.	09:55:34
7	Q. Who is that?	09:55:34
8	A. Mark Fields.	09:55:35
9	Q. Anyone else?	09:55:35
10	A. No.	09:55:36
11	Q. Can you state your name for the record,	09:55:36
12	please.	09:55:38
13	A. N.F.	09:55:38
14	Q. And how old are you today?	09:55:39
15	A. 18.	09:55:41
16	Q. When was your birthday?	09:55:41
17	A. May 18, 1999.	09:55:43
18	Q. When this lawsuit was first filed in March of	09:55:51
19	2016, you were under the age of 18?	09:55:55
20	A. Yes.	09:55:57
21	Q. You're referred to in this case frequently as	09:55:57
22	N.F.; right?	09:56:01
23	A. Yes.	09:56:02
24	MS. WOLFF: So, I'll ask that the transcript	09:56:02
25	refer to you only as N.F. and omit all references to	09:56:04

1 you've seen drinking beer on the beach at Lunada Bay? 10:17:52

2 A. No. 10:17:56

3 Q. And you've been going to Lunada Bay since you 10:17:57
4 were six? 10:18:00

5 A. Yes. 10:18:01

6 Q. But you don't know the names of anybody down 10:18:01
7 there? 10:18:05

8 MR. FIELDS: Answered twice, you can answer 10:18:05
9 again. 10:18:07

10 THE WITNESS: No. 10:18:07

11 BY MS. WOLFF: 10:18:08

12 Q. Did you ever see anyone drink beer on the 10:18:09
13 bluff? 10:18:12

14 A. What do you mean by the bluff? 10:18:12

15 Q. At the top before you walk down to the beach? 10:18:13

16 A. No, no one drinks up there. 10:18:16

17 Q. Okay. When you see people drinking down by 10:18:18
18 the beach, are they drinking in cans or are they 10:18:25
19 pouring the beer into cups? 10:18:30

20 A. Cans. 10:18:33

21 Q. Have you ever seen any cops down at the beach 10:18:34
22 telling people not to drink beer? 10:18:40

23 A. No. 10:18:42

24 Q. Have you ever seen cops down at the beach at 10:18:43
25 all? 10:18:45

1 A. Yeah. 10:18:45

2 Q. How often would you say that you've seen them 10:18:46

3 down there? 10:18:49

4 MR. FIELDS: Objection, vague, but you can 10:18:49

5 answer to the best of your understanding. 10:18:51

6 THE WITNESS: A couple times in my life. 10:18:53

7 BY MS. WOLFF: 10:18:56

8 Q. About two times? 10:18:56

9 A. About three. 10:18:57

10 Q. Three times in the 12 or so years that you've 10:18:58

11 gone there? 10:19:00

12 A. Yes. 10:19:01

13 Q. Okay. Do you recall if on either of those 10:19:01

14 occasions anyone was drinking at the time that the 10:19:05

15 cops were down at the beach? 10:19:08

16 A. All the times that they have come down there 10:19:10

17 I was in the water. So, I don't know if they said 10:19:12

18 anything to anybody or not. 10:19:14

19 Q. Okay. Have you ever brought friends from 10:19:16

20 outside of Palos Verdes Estates to surf at Lunada 10:19:18

21 Bay? 10:19:23

22 A. No. 10:19:23

23 Q. Do you have any friends outside of Palos 10:19:24

24 Verdes Estates who have ever asked if they can go to 10:19:28

25 surf at Lunada Bay? 10:19:33

1 Diana Reed, had a conversation at Lunada Bay with one 13:40:52
2 of the guys who regularly surfs down there. 13:40:55

3 She says it was with Charlie Ferrera, but 13:40:57
4 we've heard that your brother has also taken credit 13:41:00
5 for it. So, I'm going to play you a short clip and 13:41:03
6 ask you some questions about it. 13:41:07

7 A. Okay. 13:41:09

8 MR. FIELDS: And I'll object that I believe 13:41:09
9 that recording was illegally recorded. We're going 13:41:15
10 to be making a motion in limine. 13:41:18

11 So, subject to that, you can ask the 13:41:21
12 questions that you like. 13:41:24

13 MS. WOLFF: Actually, I don't need the 13:41:27
14 content of the video. I don't think that it's 13:41:29
15 necessary. 13:41:36

16 MR. FIELDS: Is that video or audio? 13:41:55

17 MS. WOLFF: There's no audio. 13:41:58

18 MR. FIELDS: This whole line of questioning 13:42:01
19 is subject to objection and that it's illegally 13:42:02
20 recorded. 13:42:05

21 13:42:12

22 (Discussion held off the record.) 13:42:12

23 13:45:06

24 MS. WOLFF: It was produced as bates 13:45:06

25 Plaintiff or it's PLTF 002027. 13:45:07

1	BY MS. WOLFF:	13:45:13
2	Q. Does that voice sound familiar to you?	13:45:13
3	A. Yeah.	13:45:15
4	Q. Who do you think that is?	13:45:15
5	A. My brother.	13:45:17
6	Q. Leo?	13:45:17
7	A. Yeah.	13:45:18
8	Q. You don't think that's Charlie?	13:45:19
9	A. No.	13:45:20
10	Q. And so Leo says, essentially, that everyone	13:45:21
11	gets the wrong vibe because that's the hazing. It's	13:45:26
12	like a fraternity.	13:45:28
13	Do you agree that the group of surfers at	13:45:29
14	Lunada Bay is like a fraternity?	13:45:32
15	A. I don't think that it's like a fraternity.	13:45:35
16	I've never been to a fraternity. I don't think that	13:45:38
17	it's like a fraternity. I've heard how fraternities	13:45:38
18	are.	13:45:45
19	Q. And do you disagree with him that there's	13:45:45
20	hazing?	13:45:48
21	A. I've never had hazing. I've never seen	13:45:48
22	anybody get hazed. It's kind of different how	13:45:52
23	people --	13:45:54
24	MR. FIELDS: You've answered the question.	13:45:55
25	THE WITNESS: Yeah.	13:45:56

1 MR. FIELDS: Copy

2 MR. MORRIS: Copy.

3 MR. CAREY: Copy.

4

5

6 (Whereupon, the deposition of

7 N.F. commenced at 9:53 a.m.

8 and concluded at 2:35 p.m.)

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1 STATE OF CALIFORNIA)
2)
3 COUNTY OF LOS ANGELES)
4
5

6 I, the undersigned, declare under penalty of
7 perjury that I have read the foregoing transcript, and I
8 have made any corrections, additions, or deletions that
9 I was desirous of making; that the foregoing is a true
10 and correct transcript of my testimony contained
11 therein.
12

13 EXECUTED this _____ day of _____,
14 20_____, at _____, _____.
15 (City) (State)
16
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20 _____
21 N.F.
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REPORTER'S CERTIFICATE

I, ANGELIQUE MELODY FERRIO, C.S.R. NO. 6979, a
Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time the witness was put under oath by me;

That the testimony of the witness and all
objections made at the time of the examination were
recorded stenographically by me and were thereafter
transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney or of any of the parties, nor
financially interested in the action.

I declare under penalty of perjury under the
law of the State of California that the foregoing is
true and correct.

Dated this 6th day of July, 2017.

Angelique Melody Ferrio
CSR No. 6979

N. F.
July 6, 2017

1 REPORTER'S CERTIFICATION OF CERTIFIED COPY

2
3
4 I, ANGELIQUE MELODY FERRIO, CSR No. 6979, a
5 Certified Shorthand Reporter in the State of California,
6 certify that the foregoing pages are a true and correct
7 copy of the original deposition of N.F., taken on
8 Thursday, July 6, 2017.

9 I declare under penalty of perjury under the
10 laws of the State of California that the foregoing is
11 true and correct.

12 Dated this 6th day of July, 2017.

13
14
15
16
17
18 _____
19 Angelique Melody Ferrio
20 CSR No. 6979
21
22
23
24
25

N. F.
July 6, 2017